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**FISCAL IMPACT STATEMENT**

**LS 7001**

**BILL NUMBER:** HB 1662

**NOTE PREPARED:** Jan 12, 2009

**BILL AMENDED:**

**SUBJECT:** Child Advocate and Committee.

**FIRST AUTHOR:** Rep. Frizzell

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill establishes the Office of the Child Advocate (Office) as a separate bureau within the Indiana Department of Administration (IDOA). The bill requires the IDOA to administer, determine salaries, and determine other personnel matters of the Office.

The bill adds a representative of the Office to local child fatality review teams and the Statewide Child Fatality Review Committee. The bill also authorizes a juvenile court to refer a case to the Office to investigate the implementation of a child in need of services dispositional decree.

The bill provides that the Office may review certain records. It also provides immunity from civil liability to: (1) persons who release information to the Office; and (2) the Office for the good faith performance of official duties.

The bill creates a committee to nominate the director of the Office and to review the Office's actions.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *Office of the Child Advocate:* It is estimated that \$445,400 annually would be required to establish the Office of the Child Advocate.

**Background:** The state of Washington, which is similar in population to Indiana, established the Office of the Family and Children's Ombudsman as a cabinet-level agency in 1996. The Ombudsman Office started with five full-time employees. During the FY 2007-2009 biennium, the legislature increased the budget to

\$1.28 M for the biennium. The Washington Office currently operates with eight employees; a director, two attorneys, three investigators, a data base administrator, and an administrative assistant/special projects position. The Washington office handled 1,087 inquiries and 615 complaints during FY 2007. (September 1, 2006 - August 31, 2007.)

While Washington and Indiana have similar populations, it is difficult to determine if child welfare is operated similarly in the two states. Initial inspection of the statistics reported for children in foster care indicates that Washington has considerably more children involved in the child welfare system than does Indiana. Therefore, it is assumed that the Indiana Office of the Child Advocate would require a lower level of resources than is used in Washington. It is estimated that the Child Advocate's Office could be established in Indiana with five employees; a director, two investigators, an information specialist, and an office manager. Staffing cost is estimated to be approximately \$345,400, with an additional \$100,000 necessary for other operating costs such as printing, supplies, equipment and in-state travel. Ultimately, the Indiana Department of Administration and the General Assembly will determine the staffing and resources required to operate the Child Advocate's Office.

*Child Advocate Review and Nominating Committee:* The bill establishes the seven-member Child Advocate Review and Nominating Committee within the IDOA. The Committee is required to meet three times each year to review and assess the work of the Office. The Committee is also required to nominate three candidates for the Child Advocate position to the Governor who must appoint the Child Advocate from the names provided by the Committee. Members of the committee serve four-year terms and are entitled to salary per diem and travel expenses related to meeting attendance. IDOA is required to provide support for the Committee. In addition to administrative expenses incurred by the IDOA for support of the committee, the fiscal impact will depend on the number of meetings held, the actual attendance, and the travel distance involved for the members of the Committee.

*Child Advocate Requirements:* The bill specifies that the Child Advocate is appointed by the Governor to serve a term of three years. In the final six months of the Child Advocate's term, the Committee is required to nominate three candidates for the Governor's consideration. The incumbent Child Advocate may be one of the nominees. The bill further specifies that the salary of the Child Advocate must be at least 55% of the annual salary of a judge or a minimum of \$69,105 annually. (This requirement is included in the estimate above for the cost of the Office.)

**Explanation of State Revenues:** *Penalty Provision:* The bill creates a new Class A misdemeanor interfering with an investigation of the Office of the Child Advocate. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any change in revenue would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:** IDOA; Department of Child Services, Division of Family Resources, Family and Social Services Administration.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** National Conference of State Legislatures website at: [www.ncsl.org/programs/cyf/ombuds.htm](http://www.ncsl.org/programs/cyf/ombuds.htm), Office of the Family and Children's Ombudsman 2006 Annual Report, Washington State, at: [http://governor.wa.gov/ofco/reports/ofco\\_2006\\_annual.pdf](http://governor.wa.gov/ofco/reports/ofco_2006_annual.pdf), 16<sup>th</sup> annual Children's Justice Conference Presentation by Mary Meinig and Linda Mason Wilgis, April 21, 2008, at: [http://www.governor.wa.gov/ofco/reports/childrens\\_justice\\_conf\\_presentation.pdf](http://www.governor.wa.gov/ofco/reports/childrens_justice_conf_presentation.pdf).

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